

# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.	45198.00016.DIV1
First Inventor	Mark D. Erion
Title	A COMBINATION OF FBPAse INHIBITORS AND INSULIN SENSITIZERS FOR THE TREATMENT OF DIABETES
Express Mail Label No.	EL 997866532 US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification  
(preferred arrangement set forth below) [Total Pages 300]
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 0]
5. Oath or Declaration [Total Pages 3]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

 Commissioner for Patents  
 Mail Stop Patent Application  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee) ☐ Power of  
Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure  
Statement (IDS)/PTO-1449 ☐ Copies of IDS  
Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

 of prior application No. 09/470,649, filed December 22, 1999,  
 which claims benefit of 60/114,718, filed December 23, 1998.

Prior application information:

Examiner Patrick T. Lewis

Art Unit: 1623

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label



or



Correspondence address below

Name

Address

City

Country

36183

PATENT TRADEMARK OFFICE

State

Zip Code

Telephone

Fax

Name (Print/Type)

Diana L. Bush, Ph.D., Esq.

Registration No. (Attorney/Agent)

51,109

Signature

Date

02/17/04

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete.

14023  
021704

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$)**1,514.00****Complete if Known**

Patent Appl. Number	Filed Herewith
Filing Date	February 17, 2004
First Named Inventor	Mark D. Erion

Attorney Docket No. 45098.00016.DIV1

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-2613

Deposit Account Name Paul Hastings Janofsky &amp; Walker LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- 
- ☐
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	750	Utility filing fee	770.00
1002	2002	330	Design filing fee	
1003	2003	520	Plant filing fee	
1004	2004	750	Reissue filing fee	
1005	2005	160	Provisional filing fee	

**SUBTOTAL (1)** (\$)**770.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
47	-20** = 27	X 18.00	= 486.00
Independent Claims	-3** = 3	X 86.00	= 258.00

Multiple Dependent

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description
1202	2202	18	Claims in excess of 20
1201	2201	84	Independent claims in excess of 3
1203	2203	280	Multiple dependent claim, if not paid
1204	2204	84	** Reissue independent claims over original patent
1205	2205	18	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**744.00**

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	205	130	65 Surcharge - late filing fee or oath	
127	227	50	25 Surcharge - late provisional filing fee or cover sheet	
139	139	130	130 Non-English specification	
147	147	2,520	2,520 For filing a request for <i>ex parte</i> reexamination	
112	112	920*	920* Requesting publication of SIR prior to Examiner action	
113	113	1,840*	1,840* Requesting publication of SIR after Examiner action	
115	215	110	55 Extension for reply within first month	
116	216	390	195 Extension for reply within second month	
117	217	890	445 Extension for reply within third month	
118	218	1,390	695 Extension for reply within fourth month	
128	228	1,890	945 Extension for reply within fifth month	
119	219	310	155 Notice of Appeal	
120	220	310	155 Filing a brief in support of an appeal	
121	221	270	135 Request for oral hearing	
138	138	1,510	1,510 Petition to institute a public use proceeding	
140	240	110	55 Petition to revive - unavoidable	
141	241	1,240	620 Petition to revive - unintentional	
142	242	1,240	620 Utility issue fee (or reissue)	
143	243	440	220 Design issue fee	
144	244	600	300 Plant issue fee	
122	122	130	130 Petitions to the Commissioner	
123	123	50	50 Processing fee under 37 CFR 1.17(q)	
126	126	180	180 Submission of Information Disclosure Stmt	
581	581	40	40 Recording each patent assignment per property (times number of properties)	
146	246	710	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	710	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	710	355 Request for Continued Examination (RCE)	
169	169	900	900 Request for expedited examination of a design application	

Other fee (specify) 30.00 (Advance Order of 10 soft copies.

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**0.00****SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Diana L. Bush	Registration No. (Attorney/Agent)	51,109	Telephone	(858) 720-2500
Signature	<i>Diana L. Bush</i>	Date	February 17, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Assignment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

DIVISIONAL APPLICATION

UNDER 37 CFR § 1.53(B)

TITLE: A COMBINATION OF FB Pase INHIBITORS AND INSULIN SENSITIZERS FOR THE TREATMENT OF DIABETES

APPLICANT(S): Mark D. Erion and Paul D. van Poelje

Correspondence Enclosed:

Utility Patent Application Transmittal Sheet and Fee Transmittal Form ( 2 pgs.); Description ( 261 pgs.); Claims ( 38 pgs.); Abstract ( 1 pg.); Copy of Declaration for Patent Application from prior application ( 3 pgs.); Preliminary Amendment ( 17 pgs.); Check in the amount of \$ 1,514.00 ; and Return Postcard.

"EXPRESS MAIL" Mailing Label Number EL 997866532 US Date of Deposit February 17, 2004. I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Kimberly Canawkey  
Name of Secretary